IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.21021 of 2004

Between:

B.Veeraraghava Reddy, S/o.Panduranga Reddy,
R/o.Budhavarapet, Kurnool Kurnool District.

..... PETITIONER

AND

The President, District Consumer Forum,
Mahabubnagar District, Mahaboobnagar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of writ of Mandamus declaring the action of the respondent in issuing NBWs against the petitioner in pursuance of the cases registered under the provisions of the Consumer Protection Act, or any other Civil suits filed in connection with the affairs of M/s Sri Laxmi Housing Associates, Mahabubnagar, during the pendency of I.P.No.4 of 2000 on the file of the learned District Judge, Mahabubnagar as illegal, arbitrary, bad and against the principles of natural justice.

Counsel for the Petitioner: Mr.GONEY MADHUSUDHAN REDDY

Counsel for the Respondent: G.P. FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Learned counsel for the petitioner submits that in I.P.No.34 of 2001, dated 7th September 2001, Additional Senior Civil Judge, Kurnool, has declared the petitioner to be insolvent and, therefore, the order passed by the District Consumer Disputes Redressal Forum, Mahbubnagar in C.D.No.189 of 1998 cannot be executed. It is stated that in P.P.No.178 of 2000 filed in C.D.No.189 of 1998, warrants have been issued against the petitioner, which are sought to be executed in order to enforce recovery of the amount.

As a matter of fact, the petitioner must approach the District Consumer Disputes Redressal Forum, Mahbubnagar, with a copy of the order, if any, passed in insolvency proceedings, and it is for the Consumer Forum to pass appropriate orders. Similar Writ Petition No.7045 of 2001 was also dismissed with similar liberty reserved to the petitioners therein to approach the District Consumer Forum, Mahbubnagar.

Accordingly, we dismiss the writ petition with liberty reserved to the petitioner to approach the District Consumer Disputes Redressal Forum, Mahbubnagar. As warrants have been issued, we direct that warrants, if any, issued against the petitioner will not be executed for a period of one week from today to enable the petitioner to approach the District Consumer Disputes Redressal Forum, Mahbubnagar.

_____

(DEVINDER GUPTA, C.J.)

29th November 2004.

_____

(G. ROHINI, J.)

ARS

Note: Communicate operative portion

of the order by wire at party's cost.

To

1.The President, District Consumer Forum, Mahabubnagar District, Mahaboobnagar.

2. Two CCs to Govt. Pleader for Civil Supplies, High Court Bldgs., Hyderabad (OUT).

3. Two CD copies.